

U.S. Department of Labor

Employment and Training Administration  
200 Constitution Avenue, NW  
Washington, D.C. 20210



JAN 23 2001

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Mr. Henry Nunn  
Chief  
Division of Apprenticeship Standards  
Department of Industrial Relations  
8<sup>th</sup> Floor  
455 Golden Gate Avenue  
San Francisco, California 94102

Dear Mr. Nunn:

The Office of Apprenticeship Training, Employer and Labor Services ("ATELS") has received copies of California Labor Code § 3075 (revised through Section 7 of Assembly Bill No. 921 and signed into law January 1, 2000), as well as proposed changes to Title 8 of the California Code of Regulations ("CCR"), Chapter 2, Part I, Apprenticeship.

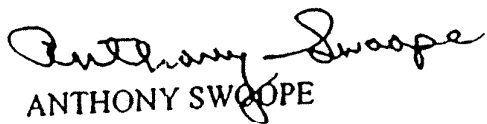
Labor Code § 3075(b) sets needs-based criteria for the approval of new apprenticeship programs in the building and construction trades. Proposed Section 212.05 of CCR Title 8 would implement the State's statutory mandate. The National Apprenticeship Act ("NAA"), 29 U.S.C. 50, as well as the implementing regulations at 29 CFR Part 29, require the Secretary of Labor to promote apprenticeship opportunities, while protecting the interests of apprentices. While the implementation of the California "needs" standard may benefit existing apprenticeship program sponsors and participants, it would not expand apprenticeship opportunities. Further, the ATELS has not been provided with information which would demonstrate that California's approach is necessary to safeguard the interests of current or potential apprentices. Accordingly, ATELS has preliminarily determined that § 3075(b) and proposed Section 212.05 are contrary to the mandate of the NAA and its implementing regulations.

We are requesting that the California Apprenticeship Council provide ATELS with information which would address the need for restrictions on the creation of new apprenticeship programs in the building and construction trades. This would enable ATELS to review the Council's rationale and consider if it adequately conforms with the Secretary's published standards for Federal purposes.

Once the Department of Labor has reviewed the pertinent information, we would like to schedule a meeting with the appropriate parties to discuss the issues raised and to explore how any differences can be resolved.

If you have any questions, please contact me at 202-693-2796.

Sincerely,

A handwritten signature in cursive script that reads "Anthony Swoope".

ANTHONY SWOOPE

Administrator

Apprenticeship Training, Employer and Labor Services

cc: Stephen Smith, Director, Department of Industrial Relations